

On January 27, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Griggs, Cooper, & Co., a corporation, trading at St. Paul, Minn., charging shipment by said corporation in violation of the Food and Drugs Act, on or about December 23, 1933, from the State of Minnesota into the State of Colorado of a quantity of crackers that were misbranded. The article was labeled in part: "Minuet Wafers Sanitary Food Manufacturing Co. Saint Paul, Minnesota Minuet Wafers Tasty—Salty—Cracker Net Weight One Pound."

The article was alleged to be misbranded in that the statement, "Net Weight One Pound", borne on the label, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since it represented that the packages each contained 1 pound of the article; whereas, in fact, the packages contained less than 1 pound of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On April 4, 1936, a plea of nolo contendere was entered on behalf of the defendant corporation, and the court imposed a fine of \$20.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25853. Alleged misbranding of canned shelled pecans. U. S. v. R. E. Funsten Co. Tried to the court. Judgment of not guilty. (F. & D. no. 33812. Sample nos. 61641-A, 66761-A.)**

This case was based on interstate shipments of canned shelled pecans, the contents of the cans of which were alleged to be short in weight.

On November 15, 1934, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. E. Funsten Co., a corporation, St. Louis, Mo., charging shipment by said corporation in violation of the Food and Drugs Act, on or about October 5, 1933, from the State of Missouri into the State of Wyoming, and on or about November 27, 1933, from the State of Missouri into the State of Montana, of quantities of shelled pecans that were misbranded. The article, contained in cans, was labeled: "Funsten's Shelled Pecans Select Halves Vacuum Packed Always Fresh Net Weight 8 Oz. R. E. Funsten Company, St. Louis, Mo., U. S. A."

The article was alleged to be misbranded in that the statement "Net Weight 8 Oz.", borne on the label, was false and misleading, and in that by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the statement represented that each of the cans contained 8 ounces of the article; whereas, in fact, each of nearly all of the cans contained less than 8 ounces of the article. The article was alleged to be misbranded further in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity of the contents of each of nearly all of the packages was less than 8 ounces, the amount stated.

On April 3, 1936, a jury having been waived, defendant was tried to the court and adjudged not guilty.

W. R. GREGG, *Acting Secretary of Agriculture.*

**25854. Adulteration of canned tuna and canned mackerel. U. S. v. French Sardine Co., a corporation. Plea of guilty. Fine, \$500. (F. & D. no. 33907. Sample nos. 686-B, 24115-B, 47947-B.)**

This case involved a shipment of canned tuna and a delivery for shipment of canned mackerel which were in part decomposed.

On July 29, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the French Sardine Co., a corporation, Terminal Island, Calif., alleging that on or about May 5, 1934, the defendant company shipped from the State of California into the State of Washington a quantity of canned tuna; that on August 12, 1934, the defendant company delivered for shipment from the State of California into the State of Pennsylvania a quantity of canned mackerel; and that the articles were adulterated in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Belle Isle \* \* \* F. S. Co. \* \* \* Fancy Solid Pack Tuna Net Weight 7 Oz.", and "Eatwell Brand, California Mackerel \* \* \* Packed By \* \* \* French Sardine Co. Inc. Terminal Island, California."